

Message

From: Parker, Christopher [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=433B34652EF14F4EA080FA06B7100E99-PARKER, CHRISTOPHER]
Sent: 8/24/2021 5:45:04 PM
To: Wetherington, Michele [Wetherington.Michele@epa.gov]
CC: O'Lone, Dan [Olone.Dan@epa.gov]
Subject: RE: Pine Hope, LLC AOC [IWOV-NPCHAR1.FID1058209]

Ok. Let's try to find a time that works for us to discuss. I will look at our calendars and try to set something up.

Christopher Parker

Soil Scientist | Enforcement and Compliance Assurance Division
Waterways and Wetlands Enforcement Section
U.S. Environmental Protection Agency - Region IV
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From: Wetherington, Michele <Wetherington.Michele@epa.gov>
Sent: Tuesday, August 24, 2021 1:42 PM
To: Parker, Christopher <Parker.Christopher@epa.gov>
Cc: O'Lone, Dan <Olone.Dan@epa.gov>
Subject: FW: Pine Hope, LLC AOC [IWOV-NPCHAR1.FID1058209]

Chris,

We have a response from Mary, please see below. I haven't formed an opinion/response yet. We can chat in a day or two about whether to make any of these changes.

Thanks,

Michele

From: Shahid, Mary D. <MShahid@nexsenpruet.com>
Sent: Tuesday, August 24, 2021 1:37 PM
To: Wetherington, Michele <Wetherington.Michele@epa.gov>
Cc: Young, Angela <Young.Angela@epa.gov>; H.E Brown <hbrown53@gmail.com>
Subject: RE: Pine Hope, LLC AOC [IWOV-NPCHAR1.FID1058209]

Michele: Mr. Brown and I have a couple of questions and a request. First, Paragraph 31 allows EPA an opportunity to pursue enforcement against Mr. Brown despite the AOC. "... shall not be deemed an election by EPA to forego any Administrative, Civil, or Criminal action ... for the violations set forth in the findings." Is this language necessary? We would want to believe that this matter ends with documentation of compliance with the Consent Order.

Second, Paragraph 34 refers to termination. Does that mean that the Consent Order doesn't exist once we document compliance? If so, does that eliminate our concern about Paragraph 31 since the effect of that Paragraph could be short-lived.

Finally – We would like to include the following as a footnote to Paragraph 18: *"Respondent's position throughout this investigation is that his activities on Pine Hope Plantation were covered by the CWA's silviculture exemption."*

Thank you Michelle – happy to discuss any of this at your convenience.

Mary D. Shahid

Member

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From: Wetherington, Michele <Wetherington.Michele@epa.gov>

Sent: Monday, August 23, 2021 3:57 PM

To: Shahid, Mary D. <MS Shahid@nexsenpruet.com>

Cc: Young, Angela <Young.Angela@epa.gov>

Subject: Pine Hope, LLC AOC

Importance: High

{EXTERNAL EMAIL}

Mary,

Attached, please see the cover letter and the proposed AOC for Mr. Brown's signature, with three Exhibits. Please let me know if you have any questions about the AOC.

Thanks,

Michele

Michele Wetherington

Office of Regional Counsel

US EPA, Region 4

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